

**MEMORANDUM OF AGREEMENT  
BETWEEN THE LOS ALAMOS SITE OFFICE OF THE  
NATIONAL NUCLEAR SECURITY ADMINISTRATION  
AND THE INCORPORATED COUNTY OF LOS ALAMOS  
FOR TRAFFIC ENFORCEMENT ON CERTAIN NNSA ROADWAYS**

This **MEMORANDUM OF AGREEMENT ("MOA")** is entered into between the **INCORPORATED COUNTY OF LOS ALAMOS ("County")** and the **NATIONAL NUCLEAR SECURITY ADMINISTRATION ("NNSA")**, acting by and through the Los Alamos Site Office on behalf of the **UNITED STATES OF AMERICA ("Government")** to be effective for all purposes July 15, 2003.

**WHEREAS**, pursuant to the contract between the Government and The Regents of the University of California for the management and operation of the Los Alamos National Laboratory ("LANL"), the NNSA site manager at the Los Alamos Site Office is the Contracting Officer responsible for the contract and authorized to enter into this MOA.

**WHEREAS**, NNSA's management and operating contractor (the "Operating Contractor") for LANL, currently The Regents of the University of California, will carry out many of the obligations of NNSA under this MOA.

**WHEREAS**, NNSA will cause its then-current Operating Contractor and any successor contractor to carry out all obligations of the Operating Contractor under this MOA.

**WHEREAS**, County and NNSA's predecessor agency, the Atomic Energy Commission (the "AEC"), entered into that certain Statement of Policy and Agreement Between the Los Alamos Area Office of the Atomic Energy Commission and Los Alamos County Relative to Traffic Control and Response by the Los Alamos Police Department, signed by a representative of Los Alamos County on December 17, 1974, and recorded in the Records of Los Alamos County in Book Number Misc. 35, Page 422 (the "1974 Agreement"), specifying roads and streets on AEC land (the NNSA roads") open to the public for purposes of enforcement of State laws and County ordinances with respect to traffic.

**WHEREAS**, State laws and certain County ordinances with respect to traffic are enforceable only if relevant traffic control devices are correctly placed and maintained and otherwise meet minimum requirements under the Manual of Uniform Traffic Control Devices (as amended from time to time, the "MUTCD") and other relevant authority.

**WHEREAS**, to allow County to routinely enforce State laws and County ordinances with respect to traffic, NNSA is committed to assuring that traffic control devices on the NNSA roads meet minimum requirements.

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**WHEREAS**, through the Operating Contractor, NNSA obtained the services of an independent traffic engineer who conducted that certain Traffic Engineering Study, Los Alamos National Laboratory, Project Number CB 488, comprised of the following six (6) parts (collectively, the "Study"):

Volume I	Signing Review	March 12, 2001
Volume II	Speed Study	January 11, 2001
Volume III	Roadside Safety Review	January 11, 2001
Volume IV	Striping and Marking Review	September 5, 2001
Volume V	Traffic Signal Review	January 11, 2001
Volume VI	Diamond Drive Review	January 11, 2001

**WHEREAS**, NNSA represents that the independent traffic engineer has certified to the NNSA that the Operating Contractor has corrected deficiencies related to mandatory requirements identified in the Study to ensure that traffic control devices on the roads meet minimum requirements under the MUTCD and any other minimum requirements.

**WHEREAS**, NNSA and County agree that it is in the best interests of the residents of and visitors to Los Alamos County and of the employees at LANL for the County to be able to enforce State laws and County ordinances with respect to traffic on the roads.

**NOW, THEREFORE**, NNSA and County agree as follows:

A. Pursuant to Public Law 81-14, the County has the authority and jurisdiction to enforce State laws and County ordinances with respect to traffic on the NNSA roads, which are:

1. Diamond Drive from the north end of the Omega Bridge to the intersection of Diamond Drive and Pajarito Road.
2. Pajarito Road from Diamond Drive to State Road No. 4.
3. East Jemez Road from Diamond Drive to the Los Alamos County line.
4. West Jemez Road (Highway 501) from Diamond Drive to State Road No. 4.
5. West Road from Diamond Drive to intersection with West Jemez Road.

County hereby acknowledges that it intends to take reasonable steps necessary to enforce State laws and County ordinances with respect to traffic on the NNSA roads in accordance with its ordinary practices with respect to traffic control and subject to availability of resources. NNSA acknowledges and understands that County does not intend to enforce State laws and County ordinances with respect to traffic on the NNSA roads if County, after reasonable inquiry in accordance with ordinary practices, is not confident that the relevant traffic control devices meet minimum requirements of the MUTCD or other minimum legal requirements.

B. The Operating Contractor shall cause all traffic control devices on the NNSA roads to be and remain in conformance with the MUTCD, any successor manual or guidelines, and any other requirements necessary to allow enforcement of State laws and County ordinances with respect to traffic. The independent traffic engineer has certified that the Operating Contractor has corrected all deficiencies related to mandatory requirements identified in the Study. The Operating Contractor intends to complete other recommendations of the study as resources permit.

C. For purposes of this MOA, State laws and County ordinances with respect to traffic shall refer to those laws and ordinances that govern the operation of vehicles on the streets and highways within the county boundaries and does not include laws or ordinances relating to the placement or approval of traffic control devices.

D. County may notify the Operating Contractor if it determines that one or more traffic devices on the NNSA roads are not, or may not be, in compliance with the MUTCD or other minimum requirements necessary to allow enforcement of State laws and County ordinances with respect to traffic. The Operating Contractor shall correct any such deficiency in an expeditious manner, or, if necessary, bring the issue to the NNSA for resolution. NNSA will work to expeditiously resolve the issue with the County.

E. County will respond to traffic emergencies and perform crash investigations on the NNSA roads. For sustained or large area control, support may be provided by other personnel subject to the direction of the Los Alamos Police Department ("LAPD") or by the LANL protective force in cooperation with the LAPD.

F. This MOA will remain in effect until terminated by either party in accordance with the provisions of Section G. below. The parties agree to use reasonable efforts to review the terms of the MOA every five (5) years either individually or cooperatively to determine whether amendments are necessary to ensure that this MOA is effective and is consistent with actual practice.

G. Either party may terminate this MOA as follows:

1. A party may terminate this MOA for failure of the other party to perform its obligations under this MOA. This MOA shall not be terminated for such reason, however, until the party wishing to terminate has given the other party written notice of the failure and a period of thirty (30) days thereafter to correct the failure.

2. Either party may terminate this MOA for any reason upon one-hundred eighty (180) days written notice to the other party.

H. 1. Except in exigent circumstances or in circumstances described in paragraph I., beginning on the effective date of this MOA, the Operating Contractor will provide the County Traffic Engineer or designee and the LAPD written notice at least ten (10) days, or as much notice as is practicable, in advance of the following actions by NNSA or its Operating Contractor:



- (a) A change to, establishment of, or siting of one or more new traffic control devices on the NNSA roads, including without limitation temporary control devices; and
- (b) Suspension of the normal function of one or more of the NNSA roads for purposes including, but not limited to, construction, utility work, maintenance, operations (including without limitation security operations), materials transportation, or incident management. In addition, the Operating Contractor shall establish appropriate temporary traffic control zones on or affecting any of the roads.

In exigent circumstances, the Operating Contractor shall provide notice as soon after placement of the traffic control devices as possible.

2. The notice shall describe the specific action to be taken, who will take the action, when the action will be taken, its location, and the need for or purpose of the action.

I. NNSA reserves the right to close one or more of the NNSA roads at any time and for any period when such closures are necessary for national security purposes, emergency purposes, and for other programmatic or regulatory reasons. When such closures take place on an emergency basis, the Operating Contractor will provide telephonic notice to the County's Traffic Engineer and the LAPD, followed by written notice as soon as practicable under the circumstances.

J. The Operating Contractor will perform an annual review of all traffic control devices on the NNSA roads and their compliance with the MUTCD and with standard traffic engineering practices, document any deficiencies and submit this review to the County Traffic Engineer and the County Traffic Division Manager. The annual review shall be completed in cooperation with County and the report submitted to the County on or before October 1st of each year. On or before November 1st of each year, the Operating Contractor will host an annual review meeting with the County Traffic Engineer and the County Traffic Division Manager to present the findings and to discuss deficiencies, suggested corrective action and proposed time frame for corrective action. A final annual report, including all changes, corrective actions and time frames for corrective action, shall be provided to the County Traffic Engineer within thirty (30) days after the review meeting. The Operating Contractor shall undertake and complete all necessary corrective actions within the mutually agreed upon time. County may request that NNSA require the Operating Contractor to perform an independent review of any questionable traffic control devices by giving notice to NNSA and the Operating Contractor no later than thirty (30) days after receipt of the final annual report that such a review is needed. NNSA will use its best efforts to notify County when it directs its Operating Contractor to undertake this review. A "Professional Traffic Operations Engineer" (PTOE) certified by the Institute of Transportation Engineers (ITE) and acceptable to the County Traffic Engineer, shall complete this independent

review. Any required review shall be completed within ninety (90) days after the Operating Contractor's receipt of direction from NNSA.

K. In 2005, and every 5<sup>th</sup> year thereafter, the Operating Contractor will engage a certified PTOE acceptable to County to undertake an independent review of all traffic control devices on the roads and compliance with the MUTCD and with standard traffic engineering practices. Each 5-year review shall be completed on or before October 1<sup>st</sup> of each year that it is to be undertaken. Prior to commencement of each 5-year review, the Operating Contractor shall arrange a meeting with the County Traffic Engineer and the County Traffic Division Manager to determine a mutually agreeable scope of the review, and to discuss any other issues or concerns regarding the traffic control devices on the roads and other issues relating to the 5-year review. The Operating Contractor shall arrange another meeting with the County Traffic Engineer and the County Traffic Division Manager when the report is 60% complete and in draft form. The purpose of the 60% meeting is to ensure that the PTOE is producing appropriate documentation and that the review is meeting the needs of NNSA, the Operating Contractor, and the County. Upon completion of a draft of the 5-year review, the Operating Contractor will arrange a final review meeting with the PTOE, NNSA, County Traffic Engineer and County Traffic Division Manager regarding the findings and to discuss any continuing deficiencies and acceptable time frames for corrective action. A final 5-year review report will then be produced by the PTOE, including all changes, corrective actions and time frames. The Operating Contractor shall submit a copy of the final report to the County Traffic Engineer within thirty (30) days after the review meeting. The Operating Contractor shall correct deficiencies within the time specified.

L. This MOA supersedes all prior agreements, either oral or written, that may exist between the parties with reference to the terms described herein, including the 1974 Agreement, and expresses the entire agreement and understanding between the parties with respect to the subject matter hereof. Any amendment to this Agreement shall be in writing and signed by both parties.

M. Nothing in this MOA shall preclude the LAPD from enforcing laws or other traffic offenses for which an arrest can be made that occur on NNSA property, or exercising any other authority that may be granted pursuant to State or Federal law or any agreement between the parties relating to a different subject matter.

N. Nothing in this MOA shall preclude the parties from collaborating on traffic safety issues of mutual concern.

O. NNSA shall direct the Operating Contractor to undertake all activities required of the Operating Contractor pursuant to this MOA.

P. Annually, on January 15th, the parties will exchange a list of individuals filling the positions listed in this paragraph to whom notices are to be mailed. Notices required under this MOA shall be made in writing, postage prepaid to the following addresses, and shall be deemed given upon hand delivery, verified delivery by telecopy

(followed by copy sent by United States Mail), or three (3) days after deposit in the United States Mail:

County:

Traffic Engineer/Traffic Division Manager  
Incorporated County of Los Alamos  
P. O. Box 30  
Los Alamos, NM 87544

NNSA:

Manager  
Los Alamos Site Office  
528 35<sup>th</sup> St.  
Los Alamos, NM 87544

LANL:

Laboratory Traffic Engineer  
Los Alamos National Laboratory  
P. O. Box 1663, MS-K718  
Los Alamos, NM 87545

Copy to:

Los Alamos Police Department, Operations  
Incorporated County of Los Alamos  
2300 Trinity Drive  
P. O. Box 30  
Los Alamos, NM 87544

Copy to:

Security and Safeguards Division  
Los Alamos National Laboratory  
P. O. Box 1663, MS-G729  
Los Alamos, NM 87545

**IN WITNESS WHEREOF**, the parties have executed this MOA in several counterparts to be effective for all purposes as of the date first stated above.

**INCORPORATED COUNTY  
OF LOS ALAMOS**

By: Max H. Baker

Max H. Baker  
Interim County Administrator

Date: 7/10/03

THE NATIONAL NUCLEAR SECURITY ADMINISTRATION, ACTING BY AND  
THROUGH THE LOS ALAMOS SITE OFFICE, ON BEHALF OF THE UNITED  
STATES OF AMERICA.

By: *Ralph E. Erickson* Date: 7/9/2003  
Ralph E. Erickson  
Manager

ATTEST:

By: *Nita K. Taylor* Date: 7/10/03  
Nita K. Taylor  
County Clerk



STATE OF NEW MEXICO

COUNTY OF LOS ALAMOS

DOC

169900

DATE

July 11

2003

TIME

9:22

A M.

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COUNTY CLERK

*Nita K. Taylor*

DEPUTY

*Adrianna Salazar*